

REMARKS

Claims 1-8 and 64-69 are pending. Claims 22, 23 and 25-28 have been canceled, as they were previously withdrawn from consideration. Claim 70 is new.

Claims 1-8 and 64-69 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,466,200 (hereinafter “Ulrich”). The applicants respectfully submit that Ulrich et al. fails to teach all of the features recited in the claims.

Specifically, claim 1 recites “[a] method of sending first data from a first device to a destination device” via a network that has:

a first layer ... having *a first session topology* which defines a first set of one or more of said second devices to which data may be *directly addressed* from said first device[;]

a second layer ... having *a second session topology* which defines a second set of one or more of said second devices to which data may be *directly addressed* from said first device,

[wherein] said second set of devices to which data may be directly addressed ... in said second layer *[is] different from* said first set of devices to which data may be directly addressed ... in said first layer.

Data is then transmitted from the first device to the destination device by:

creating a first data package which contains: (a) said first data; and (b) a header;

addressing said first data package to said destination device *in accordance with said second session topology*;

sending said first data package to said destination device *according to said first session topology*.

(emphasis added). Independent claim 8 recites essentially the same features. The applicants respectfully submit that Ulrich does not teach these recited features.

For example, the Examiner asserts that column 5, line 60-column 6, line 1 and column 9, lines 26-44 of Ulrich discloses a network having a “first layer” and a “second layer” where each layer has a different “session topology” and where the “set of devices to which data may be directly addressed ... in said second layer [is] different from said ... set of devices to which data may be directly addressed ... in said first layer” (Office Action, ¶ 5, p. 2); however, the cited portion of Ulrich does not teach these features.

Ulrich is directed to an “interactive exercise apparatus” that “engages a user’s mind and body” (Abstract). Column 5, line 60 – column 6, line 1 merely explains that several

exercise devices can be connected to a network to allow multiple users to exercise in the same simulated environment. There is no discussion of different network layers, let alone different session topologies or different sets of devices that can be directly addressed in each topology, as claimed.

Column 9, lines 26-44 also fail to disclose these claimed features. That portion of Ulrich merely states that a “hub 104” receives data transmitted from users over a “low-bandwidth channel,” and then broadcasts information to the users over a “high-bandwidth channel.” Even if the “low-bandwidth channel” and “high-bandwidth channel” were somehow considered a “first layer” and “second layer” of the network (which applicants do not agree with), there certainly is no teaching in this portion of Ulrich that each of those “layers” has a different “session topology,” let alone that a “set of devices to which data may be directly addressed ... in said second layer [is] different from said ... set of devices to which data may be directly addressed ... in said first layer.” Indeed, because the “low-bandwidth channel” appears to only be used for *receipt* of information *from* the users, that channel doesn’t appear to be used to “directly address” data to any device; it only receives data. Nevertheless, even if it were also able to transmit data to devices, both channels appear to be capable of directly communicating with the *same* set of devices, not “different” sets of devices as claimed. For the foregoing reasons, the applicants respectfully submit that Ulrich does not teach the features discussed above.

In addition, the applicants submit that Ulrich fails to teach or suggest:

addressing [a] first data package to [a] destination device *in accordance with said second session topology*; [but]

sending said first data package to said destination device *according to said first session topology*.

The Examiner asserts that these features are disclosed in column 8, lines 42-67, but they are not. The cited portion merely describes providing both voice and data communication over a phone line. There is no mention of addressing or sending a “data package,” let alone *addressing* a data package *in accordance with one session topology* but *sending* the data package *in accordance with a second, different session topology*. Thus, the applicants submit that Ulrich does not disclose these additional claimed features.

Because Ulrich fails to teach or suggest the numerous features of claims 1 and 8 discussed above, Ulrich does not anticipate those claims. Inasmuch as the remaining claims depend, either directly or indirectly, from one of those independent claims, they too are not anticipated by Ulrich for the same reasons.

New claim 70 is directed to one particular embodiment of the present invention wherein the first layer is a session/transport layer having one of either a peer-to-peer or a client-server session topology, and the second layer is an audio layer having one of either a peer-to-peer topology, a forwarding topology, a mixing topology or an echo topology. The applicants submit that it too patentably defines over Ulrich.

CONCLUSION

For all the foregoing reasons, the applicants respectfully submit that the present application is now in condition for allowance.

Date: June 24, 2008

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